

## **From March 2017 Meeting Minutes**

### **6. Application for Pharmacist – Reciprocity – Appearance**

Kenneth J. Pettengill

Kenneth Pettengill appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pettengill stated that he is currently employed as a pharmacist for Wells Pharmacy Network in Florida. He added that he is applying for a Nevada Pharmacist License because his employer would like a pharmacist licensed in each state, and mentioned that Wells Pharmacy Network is working on expanding into the state in the future.

Mr. Pettengill explained that he indicated that he had past disciplinary actions and issues with law enforcement in other states.

The Board questioned Mr. Pettengill regarding his past DUI and drug charges.

Mr. Pettengill described his charges and arrests and stated that since then he has completed a two year drug court program, random drug tests, a five year PRN-PRN contract and a ninety-six hour assessment. He stated that after his completion of these programs and treatments both Georgia and Idaho approved his pharmacist license in their states.

The Board expressed concern regarding the wide time table that Mr. Pettengill's issues with law enforcement occurred. The Board questioned Mr. Pettengill regarding his current involvement in treatment and employment.

Mr. Pettengill stated that he is currently active in AA.

The Board offered Mr. Pettengill the option to table his application to be evaluated by PRN-PRN in Nevada.

The Board tabled Mr. Pettengill's application for Nevada Pharmacist at his request.

**NEVADA STATE BOARD OF PHARMACY**  
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440

**APPLICATION BY RECIPROCATATION AS A PHARMACIST**

If you are requesting licensure by reciprocation (i.e. you have a current pharmacist license from another state and wish to transfer license information and only need to take the Nevada MPJE), complete this application:

**Total Fee: \$330.00 (non-refundable, money order or cashier's check only, no cash)**

Money Order or Cashier's Check made payable to: **Nevada State Board of Pharmacy**

Complete Name (no abbreviations):

First: Kenneth Middle: James Last: Pettengill

Mailing Address: PO Box 140360

City: Gainesville State: FL Zip Code: 32614

Telephone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: Tampa, FL

Social Security Number: \_\_\_\_\_ Sex: ☐ M or ☐ F

Original State of Licensure you are reciprocating from must be active and issued by exam;

State: Florida Date of Issuance: 8/07/92

**College of Pharmacy Information**

Graduation Date: 5/01/91  
(mm/dd/yy)

Degree Received: ☐ PharmD ☒ BS in Pharmacy ☐ Other (check one)

Name of Pharmacy School: University of Florida

Location of School: Gainesville, FL

If you are a **foreign graduate** you must attach a copy of your FPGEC certificate to THIS APPLICATION.  
You also need to complete the college of pharmacy information

**Board Use Only**

Received: 12-12-16 Amount: \$330.00 Entity #: 95052

Laws \_\_\_\_\_ MPJE \_\_\_\_\_

Other states where you are (or were) licensed as a pharmacist or print "none"

State	Lic #	Is the license active?	State	Lic #	Is the license active?
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>

\*\*Attach separate sheet if needed

*see attached form*

		Yes	No
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license?.....			
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?.....		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Been the subject of an administrative action whether completed or pending in <u>any</u> state?.....		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.....		<input checked="" type="checkbox"/>	<input type="checkbox"/>
If you marked <b>YES</b> to any of the numbered questions (1-3) above, please include the following information and provide an expiration or documents:			
Board Administrative Action:	State	Case #:	
		<i>see attached forms</i>	
Criminal Action:	State	Court	
	/ /		

### FEDERALLY MANDATED REQUIREMENTS

In response to Federally mandated requirements, the Nevada Legislature and Attorney General require that we include this questions as part of all applications.

4. Are you the subject of a court order for the support of a child?.....Yes ☐ No ☒  
4a. If you marked Yes, to the question 4, are you in compliance with the court order?.....Yes ☐ No ☐

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. I hereby authorize the Nevada State Board of Pharmacy, it's agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, it's members, servants or employees because or by reason of the use of the authorization.

*Ken Pottingill*  
Original Signature, no copies or stamps accepted

*11-15-16*  
Date

Other states where you are (or were) licensed as a pharmacist or print "none"

Alabama 18706

active exp: 12-31-18

Arkansas PD13032

active exp: 12-31-17

Florida PS27736

active exp: 9-30-17

Georgia RPH028954

active exp: 12-31-18

Maryland 23315

active exp: 5-31-17

Oklahoma 17164

active exp: 5-31-17

Tennessee 40277

active exp: 8-31-18

West Virginia RP0009773

active exp: 6-30-18

*Ken Pottinger RPh*  
*11-15-16*

Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license

1. Been charged, arrested or convicted of a felony or misdemeanor in any state?
2. Been the subject of an administrative action whether completed or pending in any state?
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?

If you marked YES to any of the numbered questions (1-3) above, please include the following information and provide an expiration or documents:

In July 1984 a sworn complaint was filed against me for making a harassing phone call. The case was dismissed with no action taken.

I have absolutely no memory of ever doing something like this. The only thing I can recall is that I first found out this was on my record in 2002 in a meeting with attorneys who were handling my 2002 DUI arrest. There was no information available to me about the incident, and it was too late to fight it and get it removed from my record.

In September 1987 I was cited for sale of alcohol to a minor. The case was dismissed with a pretrial intervention and community service.

I was working a part time college job at a beer and wine drive thru business called Pablo's Tunnel. I remember a man driving thru in a white pick up truck and purchasing a single miller light beer. He looked like an over weight adult, and even had a mustache. I assumed he was over 21 and I never asked for his ID. He was part of a local police sting operation in the area and I was cited with what they called a technical arrest. I was new in the job and simply did not ask the customer for an ID because I thought he was legal age. The police officer who cited me had told me it would have been worse if I had asked for the ID, saw he was underage, and then sold it to him anyway. But since I never asked for the ID, they considered it more of an omission than a deliberate sale to a minor, and I was given a citation instead of being taken to jail. I consider this whole incident to be an accident on my part, and not something done deliberately.

In October 2002 I was convicted of misdemeanor DUI and given probation.

I had been home sick from work for a couple of days. I had a nasty cold or flu. I was drinking heavily at home as a form of self medicating and in an effort to feel better. In the evening one night I was feeling hungry and well enough to drive for food. I spilled some food and swerved and was pulled over. I was given field sobriety tests and failed and was arrested for DUI. I was not drinking while driving. I had been drinking heavily earlier in the day and it was all still in my system when I got behind the wheel. I am very ashamed of this incident.

In March 2007 I was arrested for trafficking and possession of illegal drugs and narcotic equipment. The case was dismissed following successful completion of Drug Court diversion.

I had quit my job with Walgreens at the end of November 2006. I was living on my savings and not working. My amount and frequency of drinking had increased. During this time I met a woman who showed romantic interest in me and who offered me cocaine. She moved into my house and we spent late December until March 2007 using in my home. One night she went out for a few hours and she was stopped by the police. She then brought them back to my house and let them in to search. They found cocaine and accessories for using and placed us both under arrest. A more extensive search turned up a supply of marijuana that was stored in a back bedroom closet. This had been a gift from our drug suppliers to us to use. It was not used and instead was stored and forgotten about until found by the police.

In September 2007 a sworn complaint was filed against me for failure to redeliver leased property (a rental car). The case was dismissed after restitution was made and as part of successful completion of Drug Court diversion.

I had rented a car for personal use. An acquaintance had taken the car from me to use for a few weeks. This prevented me from returning the car on time. Due to my recent legal trouble and incapacitated state I was afraid to report that the car had been taken from me. Eventually the rental car was returned but had suffered significant damage and a sworn complaint was filed. I subsequently made full restitution for the damage to the car.

In December 2007 a sworn complaint was filed against me for worthless checks. The case was dismissed after restitution was made.

In 2007 debit/ATM cards were not in widespread use. Checks were the most common way to pay for groceries. I had added an authorized user to the credit card that provided overdraft protection to my checking account. I did not realize that the credit card had been maxed out by myself and my authorized user and thus was unable to provide overdraft protection to the checks I wrote at a local grocery store. I should have checked the balance on my credit card but it had a very large line of credit and I did not think it possible that it could be maxed out. The checks were accepted for payment. I did not know there was a problem until I was notified of sworn complaints about the checks not clearing. I then made full restitution on the checks and the matter was dismissed.

Following my arrest in 2007 I subsequently self reported myself to the Florida Board of Pharmacy. I accepted a voluntary surrender of my pharmacist license.

With the help of attorneys I was given a chance to enter Alachua County Drug Court. This was a 2 year program that included daily reporting with drug and alcohol testing and various forms of counseling. I was required to appear in court weekly then monthly for status hearings on my progress. During this time in Drug Court I was allowed to enter a residential treatment program called Metamorphosis, which

is located in Alachua County, FL. This residential program took 11 months to complete. I then successfully completed the Drug Court program and all of the charges against me were dismissed with a nolle prosequi.

I was then allowed to enter the Florida PRN program for impaired professionals and accepted a 5 year monitoring contract that included random testing. My license was reinstated on probation in 2009. At the completion of my PRN contract in 2014 the probation on my license was successfully terminated.

I have been clean and sober since April 17, 2008

*Ken Bittingill RPh*  
*11-15-16*

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK *Angel Sanders*  
DATE JUL 09 2014

STATE OF FLORIDA  
BOARD OF PHARMACY

DEPARTMENT OF HEALTH,  
PETITIONER,

vs.

KENNETH J. PETTENGILL, RPH,  
RESPONDENT.

CASE NO.:  
LICENSE NO.:

**ORDER TERMINATING PROBATION**

This matter appeared before the Board of Pharmacy (hereinafter Board) at a duly-noticed public meeting held on June 11, 2014, in Kissimmee, Florida, upon Respondent's request to terminate probation. Upon consideration it is **ORDERED**:

Respondent's probation is hereby, **TERMINATED**, successfully.

This Order shall become effective upon filing with the Clerk of the Department of Health.

BOARD OF PHARMACY

*Patrick Kennedy*  
Patrick Kennedy, Executive Director  
for Jeffrey J. Mesaros, PharmD, Chair

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order has been provided by US Mail to **Kenneth J. Pettengill, RPh**, 2015 North West 19th Lane, Gainesville, Florida 35605 and by electronic mail to **David D. Flynn**, Assistant Attorney General, Department of Legal Affairs, david.flynn@myfloridalegal.com this 9<sup>th</sup> day of July, 2014.

*Angel Sanders*  
DEPUTY AGENCY CLERK



## CLERK OF THE CIRCUIT & COUNTY COURT

Alachua County Courthouse - Family & Civil Justice Center

201 East University Avenue  
Gainesville, Florida 32601

Telephone (352) 374-3636 • Fax 352.338.3201

J.K. Irby - Clerk

[www.alachuaclerk.org](http://www.alachuaclerk.org)

Date: November 7, 2016

TO: Kenneth J Pettengill  
P.O. Box 140360  
Gainesville, FL 32614

RE:

Dear Mr. Pettengill,

The above referenced case file has reached its retention time and has been destroyed. I have attached a copy of the Progress Docket for your information. If I can be of any further assistance please let me know.

Sincerely,

Katherine Stevens  
Deputy Clerk  
Alachua County Clerk of Court  
Archives Division  
201 East University Avenue  
Gainesville, FL 32601  
352-384-3173  
352-384-3185 (Fax)



1 attachment

Alachua County Clerk of the Court  
J.K. Irby - Clerk of the Court  
General Index Search

## Case Summary

01 1982 CT 003114 A \*\* INACTIVE CASE \*\*

### Defendant Information

Full Name PETTENGILL, KENNETH JAMES  
DOB 05/28/1963  
SPN 1982003648

### Charge Information

Chg. #	Offense Date	Disp.	Disp. Date	Statute #	Charge
001	05/26/1982	DISMISSED	06/17/1982	322.03	OPERATE MOTOR VEHICLE WITH LICENSE EXPIRED

### Docket Information

NO VALID DL  
05/26/1982 139-616Q/052582/1120/30G/74/PONT /118 /WEAVER  
05/26/1982 SET FOR 1:30 ARRAIGN- 06-17-82  
05/26/1982 STATE ATTORNEY: CLARK, DAN /A324  
06/17/1982 DISMISSED ON PROOF OF VLAID DL  
06/18/1982 \*\*\* CASE TERMINATED WITH ACCJIS \*\*\*  
09/05/1992 -----> CASE FILE DESTROYED <-----



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk



# CLERK OF THE CIRCUIT & COUNTY COURT

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201 East University Avenue  
Gainesville, Florida 32601

Telephone (352) 374-3636 • Fax 352.338.3201

J.K. Irby - Clerk

[www.alachuaclerk.org](http://www.alachuaclerk.org)

Date: November 7, 2016

TO: Kenneth J Pettengill  
P.O. Box 140360  
Gainesville, FL 32614

RE: 1984-MM-4903A

Dear Mr. Pettengill,

The above referenced case file has reached its retention time and has been destroyed. I have attached a copy of the Progress Docket for your information. If I can be of any further assistance please let me know.

Sincerely,

Katherine Stevens  
Deputy Clerk  
Alachua County Clerk of Court  
Archives Division  
201 East University Avenue  
Gainesville, FL 32601  
352-384-3173  
352-384-3185 (Fax)



1 attachment

Alachua County Clerk of the Court  
J.K. Irby - Clerk of the Court  
General Index Search

## Case Summary

01 1984 MM 004903 A \*\* INACTIVE CASE \*\*

### Defendant Information

Full Name PETTENGILL, KENNETH JAMES  
DOB 05/28/1963  
SPN 1982003648

### Charge Information

Chg. #	Offense Date	Disp.	Disp. Date	Statute #	Charge
001	07/23/1984	NO INFORMATION	09/20/1984	365.16	MAKE HARASSING PHONE CALL

### Docket Information

HARASSING PHONE CALLS 365.16  
07/23/1984 SWORN COMPLAINT  
07/23/1984 AGENCY REPORT # GPD /84-10639  
07/23/1984 STATE ATTORNEY: YAWN, THERON A. III /A452  
09/20/1984 NO INFORMATION (STATE ATTORNEY) 1B  
09/24/1984 \*\*\* CASE TERMINATED WITH ACCJIS \*\*\*  
09/06/1992 -----> CASE FILE DESTROYED <-----



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk



# CLERK OF THE CIRCUIT & COUNTY COURT

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J.K. Irby - Clerk

[www.alachuaclerk.org](http://www.alachuaclerk.org)

Date: November 7, 2016

TO: Kenneth J Pettengill  
P.O. Box 140360  
Gainesville, FL 32614

RE: 1987-MM-8531A

Dear Mr. Pettengill,

The above referenced case file has reached its retention time and has been destroyed. I have attached a copy of the Progress Docket for your information. If I can be of any further assistance please let me know.

Sincerely,

Katherine Stevens  
Deputy Clerk  
Alachua County Clerk of Court  
Archives Division  
201 East University Avenue  
Gainesville, FL 32601  
352-384-3173  
352-384-3185 (Fax)



1 attachment

Alachua County Clerk of the Court  
J.K. Irby - Clerk of the Court  
General Index Search

## Case Summary

01 1987 MM 008531 A \*\* INACTIVE CASE \*\*

### Defendant Information

Full Name PETTENGILL, KENNETH JAMES  
DOB 05/28/1963  
SPN 1982003648

### Charge Information

Chg. #	Offense Date	Disp.	Disp. Date	Statute #	Charge
001	09/10/1987	NOLLE PROSSED	05/10/1988	562.11	FILED AS: SALE OF ALCOHOL TO A MINOR 562.11(1)

### Docket Information

FILED AS: SALE OF ALCOHOL TO A MINOR 562.11(1)

09/10/1987 DEFENDANT NOTICED ON 09-08-87

09/10/1987 AGENCY REPORT # DABT/

09/10/1987 STATE ATTORNEY: WHITE, WADE D. /S0051

09/10/1987 SET FOR 1:30 ARRAIGN- 10-01-87

09/11/1987 NOTICE OF 1:30 ARRAIGNMENT

09/30/1987 INFORMATION FILED 01/562.11

10/01/1987 B. AFFIDAVIT OF INDIGENCY

10/01/1987 C. ORDER APPOINTING PUBLIC DEFENDER

10/01/1987 PUBLIC DEFENDER : PUBLIC DEFENDER /P0001

10/01/1987 DEF. ENTERED A PLEA OF NOT GUILTY /ORAL

10/01/1987 SET FOR JURY TRIAL ON 11-16-87

10/08/1987 NOTICE OF 9:00 JURY TRIAL

10/09/1987 DEMAND FOR DISCOVERY AND INSPECTION OF EVIDENCE

10/19/1987 MOTION TO WITHDRAW

10/20/1987 ORDER GRANTING MOTION TO WITHDRAW/JUDGE TOMLINSON

10/20/1987 ANSWER TO DEMAND FOR DISCOVERY

10/20/1987 DEMAND FOR RECIPROCAL DISCLOSURE

10/22/1987 NOTICE OF APPEARANCE

10/22/1987 PRIVATE ATTORNEY: VIPPERMAN, LLOYD L., JR. /A0119

10/22/1987 DEF. ENTERED A PLEA OF NOT GUILTY /WRITTEN

10/22/1987 DEMAND FOR DISCOVERY AND INSPECTION OF EVIDENCE

10/22/1987 SET FOR JURY TRIAL ON 11-16-87

10/22/1987 NOTICE OF 9:00 JURY TRIAL

11/10/1987 SET FOR JURY TRIAL ON 12-21-87

12/21/1987 SET FOR JURY TRIAL ON 01-19-88

12/23/1987 ORDER TO CONTINUE TO 01-11-88 JUDGE TOMLINSON

12/23/1987 NOTICE OF 9:00 JURY TRIAL

12/23/1987 MOTION TO CONTINUE

01/13/1988 DEFERRED PROSECUTION 90 DAYS

01/13/1988 1. PERFORMANCE OF 50 HOURS OF COMMUNITY SERVICE.

01/13/1988 2. PAYMENT OF COURT COSTS

04/11/1988 COMPLETED 50.25 HOURS COMMUNITY SERVICE

04/11/1988 PAID \$100.00

05/10/1988 REACTIVATE CASE

05/10/1988 NOLLE PROSSED 1K/BY LETTER

05/10/1988 \*\*\* CASE TERMINATED WITH ACCJS \*\*\*

08/09/1994 -----> CASE FILE DESTROYED <-----



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

SK

JUDGMENT AND SENTENCE AND ORDER OF PROBATION

STATE OF FLORIDA

VS  
KENNETH JAMES PETTENGILL

Case No. 01-2002-TC-002718-A

This cause coming on this day to be heard before me, and the Defendant being  
now present having

☐ Pled Guilty ☒ Pled Not to Contendere  
☐ Found Guilty by Jury Verdict ☐ Found Guilty by the Court  
trying the case without Jury

to the offense of DRIVE UNDER INFLUENCE ALCOHOL OR DRUGS F.S. 316.193(1A)  
THE COURT HEREBY:

☐ Withholds Adjudication of Guilt on said offense.  
☒ Adjudicates you Guilty of said offense.

Under the Authority granted to the Court of Florida Statute Section 949.01(3)  
it is ORDERED and ADJUDGED that you be placed on:

☐ Non-reporting Probation for a period of \_\_\_\_\_  
☒ Alachua County Supervised Probation for a period of 1 year

It is further ORDERED that you comply with the following conditions:

<input checked="" type="checkbox"/> Pay a Fine in the amount of 316.193 Fla.Stat	\$ <u>250.00</u>
<input checked="" type="checkbox"/> Crime Victim Surcharge 5% 938.04, Fla.Stat.	\$ <u>12.50</u>
<input checked="" type="checkbox"/> Pay Crime Stoppers Trust Fund, 938.06, Fla.Stat.	\$ <u>25.00</u>
Pay Substance Abuse Trust Fund 938.13(1)(a), F.S.; Ala.Co.Ord. 94-30	\$ 15.00
Pay Alcohol & Drug Abuse Trust 938.21, 938.23, F.S.; Ala.Co.Ord 94-29	\$ 10.00
Pay Alachua Co. Assess. Costs Center - Ch. 94-444	\$ 3.00
Pay Crimes Compensation Trust Fund 938.03, Fla.Stat.	\$ 50.00
Pay Law Enforcement Education Fund 938.01, 938.15, F.S.; Ala.Co.Ord 82-3	\$ 5.00
Pay Criminal Justice Trust Fund 938.05(1), Fla.Stat.	\$ 50.00
Pay Emergency Medical Fee 938.07, Fla.Stat.	\$ 135.00
Pay Teen Court Costs 938.19, Fla.Stat.; Ala. Co. Ord. 97-7	\$ 3.00
Pay Alachua Co. Juvenile Assessment Costs, 938.17, Fl.Stat; Ala.Ord 97-6	\$ 3.00
Pay Court Facilities Assessment 939.18, Fla.Stat.	\$ <u>25.00</u>
****NO PERSONAL CHECKS****	SUB-TOTAL COSTS TO BE PAID \$ <u>581.50</u>

☒ You shall complete 50 hours of community service and provide proof to the  
Clerk of Court.

☐ Be screened by the Day Reporting Program and if accepted, attend and  
successfully complete the Program.

☐ Be committed to the custody of the Alachua County Adult Detention Center to  
be imprisoned for a term of \_\_\_\_\_

☐ Sentence to commence on \_\_\_\_\_ at \_\_\_\_\_ am/pm.

☐ Time to be served on consecutive intervals commencing on the date and  
time listed below:

\_\_\_\_\_ at \_\_\_\_\_ am/pm to \_\_\_\_\_ at \_\_\_\_\_ am/pm.

☐ You will be given \_\_\_\_\_ days credit toward this period of confinement  
served to date on this charge.

☐ If amounts enumerated above are not paid by \_\_\_\_\_, a civil  
judgment will be entered against you for the unpaid balance, plus interest  
at the rate prescribed by 55.03, Fla. Stat.

☐ After taking sworn testimony from the Defendant in open court, the Court  
finds the Defendant is wholly unable to pay costs and said costs are hereby  
discharged pursuant to 939.05, Fla. Stat.

☐ Attend Defensive Driving School and show proof to Clerk of Court.

☒ Attend Alcohol Safety Education School and show proof to Clerk of Court.

☒ Attend 1 meeting of Victim Impact Panel.

☒ Drivers License Suspended/Revoked for a period of 6 months

☐ Show Proof of Valid Drivers License/Registration or Signed Affidavit

[ ] Reduce Monetary Obligations to Civil Judgment (Court Costs/Restitution/Fees)  
Reporting to the Alachua County Adult Detention Center for commitment more than 30 minutes late may result in Violation of Probation, if less than 30 minutes, the time will be added to your release time. Do not report to the Alachua County Adult Detention Center for commitment under the influence of a controlled substance or after consuming any alcoholic beverage.

CONDITIONS OF ALL ALACHUA COUNTY SUPERVISED PROBATION

- [ ] Pay ----- Attorney fee to the Clerk of the County Court.
1. In all respects live honorably, work diligently at a lawful occupation and support dependents, if any, to the best of your ability, and live within what income is available, or in the alternative, if appropriate, attend school on a full time basis.
  2. Live and remain at liberty without violating any law.
  3. Report to the Alachua County Probation Office within 72 hours of the date of this Order, excluding weekends and holidays.
  4. Should you change your residence, education or employment, notify your Supervisor within 7 days. Any change shall not be outside your present County of residence without the consent of your Supervisor or Order of the Court.
  5. By the 10th day of each month, until your release, report to the Probation Office or as otherwise directed by your Supervisor and pay \$40.00 per month for the Cost of Supervision.
  6. Truthfully answer all inquiries directed by your Supervisor and allow your Supervisor to visit your residence or employment site.
  7. Participate in alcohol, drug, mental health or employment programs as directed by your Supervisor.
  8. Pay restitution to ----- in the amount of \$-----, and provide proof to the Clerk of the County Court.
  9. Amount of restitution to be determined within 30 days.
  10. [ ] Impoundment provision to be set for a hearing.
  11. ~~X~~ Abide by Order of Impoundment or Immobilization of Vehicle(s).
  12. ~~X~~ Provide Probation Officer within 72 hours with VIN number(s).
  13. OTHER: -----

You are hereby placed on notice that the Court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision and that if you violate any of the conditions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence which it might have imposed before placing you on probation.

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond. If the bond is a blanket bond covering multiple cases, the surety is discharged for this case only and the bond shall remain viable and intact to secure the defendant's appearance in pending cases. Such cancellation and release of liability shall also apply to any bonds in effect and not forfeited in those cases listed below as a nolle prosequi.

Any active process pending in this case against this defendant is hereby quashed.

Dismiss  
Civil Infraction  
5479 - BSK



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies that this is a true and correct document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016  
J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

this 15th day of October, 2002.  
[Signature]  
JAMES P. NILON  
Judge of the County Court

Filed in Open Court October 15, 2002 by [Signature] D.C.

I certify that a copy of the above Order has been received and understood the conditions thereof and agree to accept and faithfully comply therewith.

P.O. Box 14216 (Address)  
6. Duessville Fl. 32604 (City/State/Zip)

[Signature]  
Probation Officer

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

9

STATE OF FLORIDA,  
Plaintiff,

vs. CASE NO. 01-20 02-TC-002718-A

KENNETH JAMES PETTENGILL  
Defendant.

FILED IN OPEN COURT  
10-15, 2002  
K. Johnson D.C.

ORDER ON THE IMPOUNDMENT OR IMMOBILIZATION OF VEHICLE(S)

The above-named defendant having been convicted of the offense of Driving while Under the Influence this date and pursuant to Fla. Stat. 316.193, the Court hereby orders the impoundment or immobilization of the Defendant's vehicle(s) described as: 1994 Niss SUV Red with tag number(s): DN 8 29R and vehicle identification number(s): \_\_\_\_\_

for:  
☒ 10 days (first conviction)  
☐ 30 days (second conviction within 5 years) all vehicles owned by Defendant  
☐ 90 days (third conviction within 10 years) all vehicles owned by Defendant  
NO EARLIER than 7 days but within 30 days  
to begin the \_\_\_\_\_ day of \_\_\_\_\_ by surrendering the above-described vehicle tag(s) and registration(s) to the probation officer for the appropriate period of time.

Upon the evidence presented, the Court finds: \_\_\_\_\_

Therefore impoundment or immobilization is not ordered. \_\_\_\_\_

DONE and ORDERED in Open Court at Gainesville, Alachua County, Florida this  
15 day of October, 2002.

James P. Nilon  
COUNTY COURT JUDGE

Copies to:  
Defendant/Attorney for Defendant  
Office of the State Attorney  
Court Services



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 9, 2016  
J. K. Irby, Clerk, Circuit and County Court  
By \_\_\_\_\_ Deputy Clerk

James P. Nilon

ad

IN THE COUNTY COURT, EIGHTH  
JUDICIAL CIRCUIT, IN AND FOR  
ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

CASE NO.: 2002-2718-TC

DIVISION: Traffic

vs.

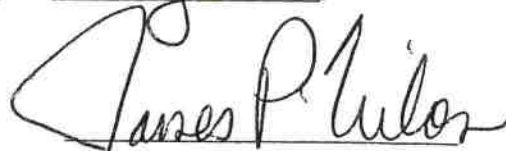
KENNETH PETTENGILL,  
Defendant.  
\_\_\_\_\_

**ORDER TERMINATING PROBATION**

THIS CAUSE having come before this Court upon Defendant's Motion and this Court having been fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED that the probationary disposition imposed by this Court on October 15, 2002 be and hereby is terminated given the Defendant's timely compliance with all conditions of probation.

DONE AND ORDERED this 1<sup>st</sup> day of May, 2003.

  
JAMES P. NILON  
County Court Judge

Copies to:

Josh Silverman, Assistant State Attorney  
Craig C. DeThomasis, Attorney for Defendant  
Valerie Green, Alachua County Probation



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016

J. K. Irby, Clerk, Circuit and County Court  
By J. K. Irby  
Deputy Clerk

2003 MAY - 1 AM 10:41

















CLERK OF CIRCUIT COURT  
ALACHUA COUNTY FLORIDA

## General Index Search

**Docket List**

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STATE OF FLORIDA -VS- PETTENGILL, KENNETH JAMES

**26 records found**

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07/18/2007	XXXX				
05/01/2007	XXXX				
05/01/2007	Case Transferred				
	New case: 2007 CF 001012 B				
03/22/2007	NOTICE OF APPEARANCE: CRAIG DETHOMASIS				1
03/05/2007	CERTIFICATE OF DISCHARGE				1
03/05/2007	POWER OF ATTORNEY				1
03/05/2007	SURETY BOND				2
03/05/2007	CERTIFICATE OF DISCHARGE				1
03/05/2007	POWER OF ATTORNEY				1
03/05/2007	SURETY BOND				2
03/05/2007	CERTIFICATE OF DISCHARGE				1
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03/05/2007	POWER OF ATTORNEY				1
03/05/2007	SURETY BOND				2
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03/05/2007	POWER OF ATTORNEY				1
03/05/2007	SURETY BOND				2
03/05/2007	ARREST BOND ENTRY				

Arrest Bond Added to Case with:

Arrest Date: 03/03/2007

Initial Charge #: 5

Initial Action Code:

Prosecutor Count #:

Prosecutor Action Code:

Custody Location: BOND

Bond Status: Open

Status Date: 03/04/2007

Bond Type: SURETY BOND

Bond/Pwr No.: 2007AA009534

Bond Amount: \$1000

Bonding Co.: SAM B WESLEY II BAIL BONDS

Cash Depositor:

03/05/2007 ARREST BOND ENTRY

Arrest Bond Added to Case with:

Arrest Date: 03/03/2007

Initial Charge #: 4

Initial Action Code:

Prosecutor Count #:

Prosecutor Action Code:

Custody Location: BOND

Bond Status: Open

Status Date: 03/04/2007

Bond Type: SURETY BOND

Bond/Pwr No.: 2007AA009533

Bond Amount: \$1000  
Bonding Co.: SAM B WESLEY II BAIL BONDS  
Cash Depositor:  
03/05/2007 ARREST BOND ENTRY

Arrest Bond Added to Case with:  
Arrest Date: 03/03/2007  
Initial Charge #: 3  
Initial Action Code:  
Prosecutor Count #:  
Prosecutor Action Code:  
Custody Location: BOND  
Bond Status: Open  
Status Date: 03/04/2007  
Bond Type: SURETY BOND  
Bond/Pwr No.: 2007AA009532  
Bond Amount: \$5000  
Bonding Co.: SAM B WESLEY II BAIL BONDS  
Cash Depositor:

03/05/2007 ARREST BOND ENTRY

Arrest Bond Added to Case with:  
Arrest Date: 03/03/2007  
Initial Charge #: 2  
Initial Action Code:  
Prosecutor Count #:  
Prosecutor Action Code:  
Custody Location: BOND  
Bond Status: Open  
Status Date: 03/04/2007  
Bond Type: SURETY BOND  
Bond/Pwr No.: 2007BB002436  
Bond Amount: \$10000  
Bonding Co.: SAM B WESLEY II BAIL BONDS  
Cash Depositor:

03/05/2007 ARREST BOND ENTRY

Arrest Bond Added to Case with:  
Arrest Date: 03/03/2007  
Initial Charge #: 1  
Initial Action Code:  
Prosecutor Count #:  
Prosecutor Action Code:  
Custody Location: BOND  
Bond Status: Open  
Status Date: 03/04/2007  
Bond Type: SURETY BOND  
Bond/Pwr No.: 2007BB002435  
Bond Amount: \$10000  
Bonding Co.: SAM B WESLEY II BAIL BONDS  
Cash Depositor:

03/04/2007 FIRST APPEARANCE ORDER  
- REVIEW \*LINDAS\* SYSTEM FOR ALL CONDITIONS

03/04/2007 ARREST FORM



2



2



J. K. Irby, Circuit and County Court Clerk, Alachua  
County, Florida, certifies this is a true copy of the  
document of record in this office, which may have  
been redacted as required by law. Witness my hand  
and seal on November 7, 2016

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

Case Number:

R81

DIVISION III

vs.

KENNETH JAMES PETTENGILL  
Defendant.

FILED IN OPEN COURT  
11-9-2007  
8000000000  
D.C.

**DRUG COURT**  
**COVENANT AND AGREEMENT**

THIS AGREEMENT, entered into this day, by and between the Defendant, CRAIG C. DETHOMASIS, ESQUIRE, Defendant's attorney, and WILLIAM P. CERVONE, State Attorney in and for the Eighth Judicial Circuit of Florida, by and through his undersigned Assistant State Attorney:

WITNESSETH:

1. The Defendant has been charged by Information filed by the Office of the State Attorney in the above-styled cause(s) and it is agreed that the Defendant meets the criteria and qualifications for admission to the Drug Court Treatment and Rehabilitation Program, and that it is in the Defendant's best interests to enter into this Agreement. The Defendant hereby acknowledges that his/her decision to enter this Agreement is entirely voluntary and that prior to entering this Agreement he/she has had an opportunity to review all the terms of this Agreement.
2. It is understood and agreed that the Defendant shall participate in the Drug Court Treatment and Rehabilitation Program for a period of TWELVE (12) MONTHS. This Program includes a period of active supervision which shall be determined by the Drug Court Treatment and Rehabilitation Team.
3. The Defendant stipulates and agrees that in consideration for acceptance into this Program, DEFENDANT WAIVES THE RIGHT TO A SPEEDY TRIAL as provided by law and, further, that the Defendant's right to a speedy trial shall revert only upon a resumption of prosecution on this pending charge pursuant to 948.08, Florida Statutes.
4. The Defendant agrees to keep the Drug Court Treatment and Rehabilitation Team advised of his/her current address throughout the duration of the Program. Defendant further agrees that as part of the Program requirements, he/she may be obligated to appear in open court prior to being released from the Program. The Defendant's failure to appear in open court when properly notified at his/her last known address shall constitute a violation of the terms of this Agreement and the Defendant recognizes that he/she may then be withdrawn from the Program and the original prosecution may be reinstated.

Case: 2007 CF 001812 B  
80054277028  
Dkt: DCCA-X

3

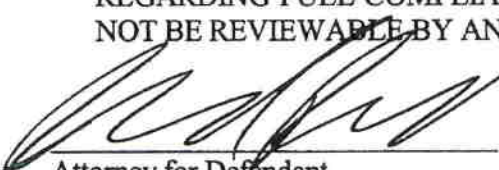
5. The Defendant and Defendant's attorney warrant that the Defendant has fully disclosed his/her criminal history and that Defendant has no prior criminal record, other than as stated on the attached statement of prior arrest record, and is not on probation for a prior crime, charge, or conviction. Defendant agrees to be completely law abiding during the term of this agreement.
6. The Defendant agrees to submit to all physical (including but not limited to random drug-screens) or psychological examinations if ordered to do so by the Drug Court Treatment and Rehabilitation Team.
7. The Defendant may be required to complete Community Service Work as directed by the State Attorney's Office or the Drug Court Treatment and Rehabilitation Team.
8. The Parties stipulate and agree that this Agreement shall in no way operate as a contract for immunity from prosecution for the charges pending in this case and, further, that **SHOULD THE DEFENDANT FAIL TO MEET ANY OF THE TERMS AND CONDITIONS OF THIS AGREEMENT, THE AGREEMENT MAY BE DEEMED VOID AT THE DISCRETION OF THE STATE ATTORNEY, AND PROSECUTION MAY THEN BE REINSTITUTED.**
9. The Defendant agrees to attend school or work regularly at a lawful occupation and/or participate in other programs for evaluation and/or treatment under the supervision of the Drug Court Treatment and Rehabilitation Team. The Defendant agrees to pay the costs of said programs and/or evaluations.
10. The Defendant agrees to immediately inform the Drug Court Treatment and Rehabilitation Team of any change relating to employment, education or treatment activities.
11. The Defendant further stipulates and agrees to truthfully answer all inquiries and carry out all instructions of the Drug Court Treatment and Rehabilitation Team, and grants permission for the supervising counselor(s) to visit his/her home, place of employment, school, or other location for the purpose of carrying out adequate supervision.
12. The Defendant agrees to the following Special Conditions:
  - A. You shall enter and successfully complete the Drug Court Treatment and Rehabilitation Program consisting of evaluation, counseling and multiple random urine screenings. In addition, the use of acupuncture will be available.
  - B. Drug Court Treatment and Rehabilitation Program will be \$20.00 per week for Alachua County and \$45.00 per week for out of County. The Defendant agrees to be \$20.00 per week for Alachua County and \$45.00 per week for out of County to **Finance and Accounting, Alachua County Board of County Commissioners, Post Office Box 939, Gainesville, Florida 32602. Please refer to Fund #1666-225.** This fee can be paid in increments to be determined by the Drug Court Treatment and Rehabilitation Team.
  - C. If referred to Pre Trial Intervention for additional supervision, the Defendant agrees to pay the State of Florida an additional \$52.00 per month toward the cost of supervision pursuant to Florida Statute 948.09.

13. WILLIAM P. CERVONE, State Attorney, Eighth Judicial Circuit, by and through his undersigned Assistant, hereby warrants and agrees that, should the Defendant fully meet the terms and conditions of this Agreement as determined by the State Attorney, the charges referred to herein shall be dismissed upon completion of the Program.

14. The Parties agree that this Agreement constitutes the full and entire understanding and agreement of the Parties and that there are no other understandings or agreements between the Parties not specifically stated herein.

15. Failure to comply fully in this regard will result in a violation of your pre-trial release and possible/potential termination from the program.

16. IT IS STIPULATED AND AGREED THAT THE STATE ATTORNEY'S DECISION REGARDING FULL COMPLIANCE IN THIS REGARD SHALL BE FINAL AND SHALL NOT BE REVIEWABLE BY ANY COURT.

  
Attorney for Defendant

Date

11/9/07

X

  
Defendant

Date

11/09/07

  
Assistant State Attorney

Date

11-9-07

Bureau Chief/Division Chief

Date

I understand the conditions of my deferred prosecution and agree that I will comply with them. They have been read and explained to me and I fully understand the charges against me. I have received a copy of this Deferred Prosecution Agreement.

X

  
Defendant

Date Signed

11/09/07

cc:

Attorney for Defendant

State file

Laura Collopy, Court Services



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2007

J. K. Irby, Clerk, Circuit and County Court  
By   
Deputy Clerk

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

Case Number:

DIVISION III

vs.

KENNETH JAMES PETTENGILL  
Defendant.

**DRUG COURT**  
**NOTICE OF PROGRAM COMPLETION**

THE STATE OF FLORIDA, by and through its undersigned Assistant State Attorney, hereby notifies the Clerk that the above-named defendant has satisfactorily complete the requirements of Alachua County Drug Court and requests the Clerk to close the file of the above-styled cause, and as grounds therefore would state as follows:

The Defendant, on 11/09/2007 was accepted in the Drug Court Treatment and Rehabilitation Program and on that date waived his/her right to a speedy trial. Pursuant to said agreement, the State Attorney agreed to defer prosecution in this matter to give the defendant the opportunity to successfully complete the Drug Court program.

Wherefore the State Attorney announces a NOLLE PROSEQUI, code 3J, in the above entitled action dismissing all charges.

**CERTIFICATE OF SERVICE**

I DO HEREBY CERTIFY that a copy hereof has been furnished to Laura Collopy, Court Services, and to CRAIG C. DETHOMASIS, ESQUIRE, POST OFFICE BOX 1029, GAINESVILLE, FL, 32602, Defense Attorney by INTER-OFFICE DELIVERY this 9 day of October, 2009.

Respectfully submitted,

WILLIAM P. CERVONE  
STATE ATTORNEY

  
KRISTIN S. PICKENS

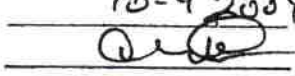
Assistant State Attorney  
Florida Bar Number: 097454  
120 WEST UNIVERSITY AVE  
GAINESVILLE, FL 32601  
(352) 374-3691



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2009  
J. K. Irby, Clerk, Circuit and County Court  
By   
Deputy Clerk



cc: D/S RICHARD E. HOWELL, ALACHUA COUNTY SHERIFF'S OFFICE  
JAIL  
ACSO EVIDENCE CUSTODIAN  
PROBATION / PAROLE

FILED IN OPEN COURT  
10-9-2009  
  
Charles McDavid D.C.

33

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

Case Number: 1  
C.R.#:  
DIVISION III

vs.

KENNETH JAMES PETTENGILL  
Defendant.

**CASE ACTION REPORT**  
**NO INFORMATION**

The State of Florida, by the undersigned authority, enters a **NO INFORMATION** in the above entitled action dismissing **ALL CHARGES** due to:

1G RESTITUTION MADE - OTHER THAN WORTHLESS CHECK CASE

**EVIDENCE:**

The Evidence Custodian is hereby authorized to:

☐ Retain custody of the evidence until instructed otherwise.

☒ Dispose of the evidence in accordance with Florida Statutes.

I HEREBY CERTIFY that a copy hereof has been furnished to CRAIG C. DETHOMASIS, ESQUIRE, POST OFFICE BOX 1029, GAINESVILLE, FL 32602, this 9 day of October, 2009.

WILLIAM P. CERVONE  
STATE ATTORNEY



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 2, 2009.  
J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

[Signature]  
KRISTIN S. PICKENS  
Assistant State Attorney  
Florida Bar Number: 097454

cc: OFC. VICTORIA HARRIS, GAINESVILLE POLICE DEPARTMENT  
JAIL  
GPD EVIDENCE CUSTODIAN  
PROBATION / PAROLE



FILED IN OPEN COURT  
10-9-2009  
[Signature]  
Charles McDavid D.C.

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

CASE NUMBER:

WC NUMBER:

KENNETH JAMES PETTENGILL

W/M DOB: SSN:

Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008307-A, restitution made - worthless check case, 1F.

I hereby certify that a copy hereof has been furnished to the defendant, by mail, this 3 day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on December 3, 2007

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

J.K. "BUTLER" IRBY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK 35



CLERK

SAO

SHERIFF

DEFENSE

INV. AGENCY

JAIL

(1)

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,  
vs.

CASE NUMBER:  
WC NUMBER:

KENNETH JAMES PETTENGILL  
W/M DOB:                      SSN:  
Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008308-A, restitution made - worthless check case, 1F.

I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
3 day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2007

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

J.K. "Buddy" Irby  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK35



CLERK

SAO

SHERIFF

DEFENSE

INV. AGENCY

JAIL

(1)

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,  
vs.

CASE NUMBER:  
WC NUMBER:

KENNETH JAMES PETTENGILL  
W/M DOB:                      SSN:  
Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008310-A, restitution made - worthless check case, 1F.

3 I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2007

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

J.K. IRBY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:38

FILED  
CK 35



CLERK

SAO

SHERIFF

DEFENSE

INV. AGENCY

JAIL

(1)

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

CASE NUMBER:

WC NUMBER:

KENNETH JAMES PETTENGILL

W/M DOB:

SSN:

Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008311-A, restitution made - worthless check case, 1F.

I hereby certify that a copy hereof has been furnished to the defendant, by mail, this 3 day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07

J.K. "BUD" IRBY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK 35



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2006

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk



CLERK

SAO

SHERIFF

DEFENSE

INV. AGENCY

JAIL

(1)

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,  
vs.

CASE NUMBER:  
WC NUMBER:

KENNETH JAMES PETTENGILL  
W/M DOB: '                      SSN:  
Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008312-A, restitution made - worthless check case, 1F.

I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
3 day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/31/07

J.K. "BUDDY" RAY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK 35



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016  
J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk



CLERK      SAO      SHERIFF      DEFENSE      INV. AGENCY      JAIL

1

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,  
vs.

CASE NUMBER:  
WC NUMBER:

KENNETH JAMES PETTENGILL  
W/M DOB:                      SSN:  
Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008314-A, restitution made - worthless check case, 1F.

I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
3 day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: Dec. 3, 07



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2007

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

JK "BUD" IRBY  
CLERK OF COURTS  
ALACHUA COUNTY FL.

2007 DEC -3 AM 11:37

FILED  
OK 35



CLERK      SAO      SHERIFF      DEFENSE      INV. AGENCY      JAIL

(1)

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

CASE NUMBER:  
WC NUMBER: 11-1475-A

vs.

KENNETH JAMES PETTENGILL  
W/M DOB: SSN:  
Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008315-A, restitution made - worthless check case, 1F.

I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
3 day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07

J.K. "BUDDY" IRBY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK 35



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2007  
J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk



CLERK      SAO      SHERIFF      DEFENSE      INV. AGENCY      JAIL

(1)

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

CASE NUMBER:

WC NUMBER:

KENNETH JAMES PETTENGILL

W/M DOB: SSN:

Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008318-A, restitution made - worthless check case, 1F.

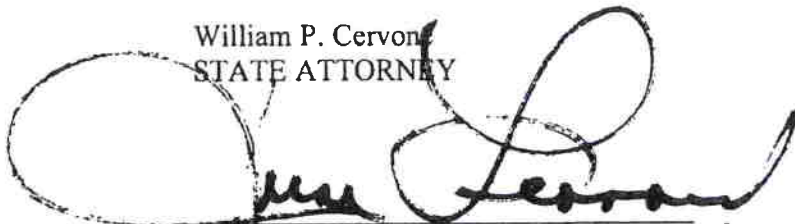
I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
3 day of Dec, 2007.

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- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY



JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07

J.K. IRBY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK 35



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 21, 2007

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk



CLERK

SAO

SHERIFF

DEFENSE

INV. AGENCY

JAIL

①

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,

CASE NUMBER:  
WC NUMBER:

vs.

KENNETH JAMES PETTENGILL  
W/M DOB:                      SSN:  
Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-008321-A, restitution made - worthless check case, 1F.

3 I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
day of Dec., 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2007  
J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

J.K. "BUCK" IRBY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK 35



CLERK

SAO

SHERIFF

DEFENSE

INV. AGENCY

JAIL

(1)

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff,  
vs.

CASE NUMBER:  
WC NUMBER:

KENNETH JAMES PETTENGILL  
W/M DOB: ' SSN:  
Defendant.

**NOLLE PROSEQUI / NO INFORMATION  
(DISMISSAL OF CHARGE)**

Comes now William P. Cervone, State Attorney, and enters a Nolle Prosequi / No Information as to Count I, Worthless Check, of the information in case 01-2007-MM-010093-A, restitution made - worthless check case, 1F.

I hereby certify that a copy hereof has been furnished to the defendant, by mail, this  
3 day of Dec, 2007.

**EVIDENCE**

The evidence custodian is hereby authorized and directed to:

- ( ) Retain custody of the evidence until instructed otherwise.  
(X) Dispose of the evidence in accordance with Florida State Statutes.

William P. Cervone  
STATE ATTORNEY

JUNE A. LEONARD  
Assistant State Attorney  
Florida Bar No.: 0003311

Date: 12/3/07



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 21, 2007

J. K. Irby, Clerk, Circuit and County Court  
By [Signature]  
Deputy Clerk

J.K. "BUCKY" IRBY  
CLERK OF COURTS  
ALACHUA COUNTY, FL.

2007 DEC -3 AM 11:37

FILED  
CK 35



CLERK

SAO

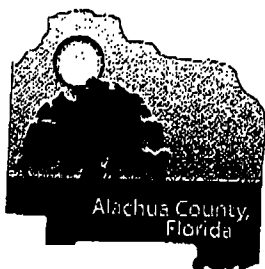
SHERIFF

DEFENSE

INV. AGENCY

JAIL

1



# Alachua County Department of Court Services

## Clinical Programs

Peria M. Duncan, M.A., Court Services Director  
Joe K. Lipsey, Assistant Court Services Director  
Melanie L. Corona, M.H.S., L.M.H.C., Metamorphosis Clinical Supervisor  
Leslie A. Frost, Ed.S., L.M.H.C., Opus Clinical Supervisor  
Frank A. Owens, M.S., Drug Court Supervisor

January 23, 2017

Nevada State Board of Pharmacy  
431 Plumb Lane  
Reno, Nevada 89509

Dear Nevada Board of Pharmacy:

Ken Pettengill was admitted to Metamorphosis Residential Treatment Center on August 28, 2008. While in treatment, he received both group and individual therapy relating to his Substance Dependence, as well as other personal issues. During his stay, he worked on assertiveness, social skill, stress reduction, and practiced consistency in maintaining his goals, while remaining free from drugs and alcohol.

Mr. Pettengill was highly motivated throughout treatment both to remain clean and sober and to work towards going back to his career in pharmacy. He worked with his primary counselor to develop an individualized treatment plan and consistently worked to complete it. Once he entered the work phase of our program, he successfully gained employment as a pharmacist. At that time, he moved to our transitional housing apartments. He was required to attend therapy groups, individual counseling sessions, attend support groups, submit to random urinalysis, and participate in social time with people in his support network. Mr. Pettengill demonstrated the ability to balance all of these tasks, while maintaining sobriety.

Mr Pettengill successfully completed Metamorphosis on June 11, 2009. His prognosis for a full recovery was high due to his consistent motivation and hard work that he put into his treatment. He remained living in our transitional housing until June 27, 2009 when he moved into his own place. He has reported that he has maintained his sobriety since that time.

Respectfully,

Melanie L Corona, Clinical Supervisor  
Metamorphosis

MLC



DISCIPLINARY AND ADMINISTRATIVE ACTIONS ARE SUBMITTED TO NABP BY STATE BOARDS OF PHARMACY ON A VOLUNTARY BASIS, AND, ACCORDINGLY, THE FOREGOING REPORTS MAY NOT BE ALL INCLUSIVE. FURTHER, THE INFORMATION SET FORTH SHOULD BE VERIFIED WITH THE DESIGNATED JURISDICTION AS TO THE ACCURACY AND STATUS PRIOR TO RELIANCE ON THESE REPORTS IN SUPPORT OF ANY CONTEMPLATED ACTION BY YOUR AGENCY.

Carmen A. Catizone, MS, RPh, DPh  
Executive Director/Secretary

## Kenneth James Pettengill

### Reporting Entity: Florida Board of Pharmacy

Transaction Type: Initial Report

Date of Action: 03/04/2009

Action	Basis for Action
- 1135 - Suspension of License	- F5 - Unable to Practice Safely

#### A. REPORTING ENTITY

Entity Name: Florida Board of Pharmacy  
Address: 2020 Capital Circle S.E., Bin #C04,  
City, State, Zip: Tallahassee, FL 32399-3254  
Country: US  
Name of Certifier:  
Title or Department:  
Telephone:  
Type of Report: Initial  
Related Report Number:

#### B. SUBJECT IDENTIFICATION INFORMATION

Subject Name: Kenneth James Pettengill  
e-Profile ID:  
Other Name(s) Used:  
Gender: Male  
Date of Birth: 05/28/1963  
Work Address: Po Box 140360  
City, State, ZIP: Gainesville, FL 32614  
Deceased: NO  
Federal Employer Identification Numbers (FEIN):  
Social Security Numbers (SSN):  
Individual Taxpayer Identification Number (ITIN):  
National Provider Identifiers (NPI):  
Professional School & Year of Graduation: University of Florida - FL (1991)  
Occupation/Field of Licensure (Code): Pharmacist  
State License Number, State of Licensure: PS27736 , FL

DISCIPLINARY AND ADMINISTRATIVE ACTIONS ARE SUBMITTED TO NABP BY STATE BOARDS OF PHARMACY ON A VOLUNTARY BASIS, AND, ACCORDINGLY, THE FOREGOING REPORTS MAY NOT BE ALL INCLUSIVE. FURTHER, THE INFORMATION SET FORTH SHOULD BE VERIFIED WITH THE DESIGNATED JURISDICTION AS TO THE ACCURACY AND STATUS PRIOR TO RELIANCE ON THESE REPORTS IN SUPPORT OF ANY CONTEMPLATED ACTION BY YOUR AGENCY.

Carmen A. Catizone, MS, RPh, DPh  
Executive Director/Secretary

**C. ACTION  
REPORTED**

Type of Action: Initial  
Basis for Action: - F5 - Unable to Practice Safely  
Reporting Entity: FL  
Action Classification Code(s): - 1135 - Suspension of License  
Date Action Was Taken: 03/04/2009  
Date Action Became Effective: 03/05/2009  
Length of Action: Indefinite  
Monetary Penalty:  
Auto Reinstatement?: No  
Description: Case #2007-33812:  
Pharmacist has a history of drug and alcohol abuse, underwent a Professionals Resource Network (PRN) assessment which showed he is unable to practice with reasonable skill and safety and was admitted into a detox program. He failed to follow the recommendations and requirements of PRN. Florida license is suspended with terms and conditions until the pharmacist presents a petition for reinstatement of his license and the Board determines that he is in compliance with all PRN requirements and recommendations, is able to practice pharmacy with reasonable skill and safety and the Board approves a practice plan for the pharmacist. Upon reinstatement of his license to practice as a pharmacist, Florida license will be placed on probation with terms and conditions for 5 years. The Board's costs for this proceeding in the amount of \$2,580.78 are to be paid by respondent within 1 year.

STATE OF FLORIDA  
BOARD OF PHARMACY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2007-33812

License No.: PS 27736

KENNETH J. PETTENGILL, R.PH.,

Respondent.

---

FINAL ORDER

THIS MATTER came before the Board of Pharmacy (hereinafter "the Board") at a duly noticed public meeting on February 11, 2009, in Jacksonville, Florida. Petitioner filed a First Amended Administrative Complaint seeking disciplinary action against Respondent's license to practice as a pharmacist. A copy of the First Amended Administrative Complaint is attached to and made a part of this Final Order. Petitioner was represented by Billie Jo Owens, Assistant General Counsel. Respondent was present. Dr. Judy Rivenbark of the Professionals Resource Network (PRN) was present, also.

Petitioner and Respondent have stipulated to a disposition in this case. The Board voted to adopt the Settlement Agreement as an appropriate settlement of the case.

A copy of the Settlement Agreement is attached to and made a part of this Final Order. The agreed upon costs to be paid by Respondent are **two thousand five hundred eighty dollars and seventy-eight cents (\$2,580.78)**. The costs shall be paid

within **one (1) year** of the filing date of this Final Order to the Compliance Officer in the manner set forth in the Settlement Agreement.

**IT IS THEREFORE ORDERED** that the Settlement Agreement is hereby adopted.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

**DONE AND ORDERED** this 4 day of March, 2009.

**BOARD OF PHARMACY**

Rebecca R. Poston

Rebecca R. Poston, R. Ph., Executive Director  
on behalf of Jennifer Lalani, R.Ph., Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Kenneth Pettengill, R.Ph.**, 2015 NW 19<sup>th</sup> Lane, Gainesville, Florida 32605; and by interoffice mail to **Deborah B. Loucks**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **Billie Jo Owens**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265, on March 5, 2009.

Angel Loucks

**Deputy Agency Clerk**

RECEIVED  
JAN 11 2007  
JAN 11 2007

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,  
PETITIONER,**

**v.**

**CASE NO. 2007-33812**

**KENNETH J. PETTENGILL, R.PH.,  
RESPONDENT.**

---

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, the parties offer this Settlement Agreement to the Board of Pharmacy (Board) as disposition of the Administrative Complaint, attached as Exhibit A, in lieu of any further administrative proceedings. The terms of this Agreement become effective when a Final Order accepting this Settlement Agreement is issued by the Board and filed with the Clerk for the Department of Health. In considering this Settlement Agreement, the Board may review all investigative materials regarding this case. If this Settlement Agreement is rejected, it and its presentation to the Board, shall not be used against either party.

### STIPULATED FACTS

1. At all times pertinent to this matter, Respondent was a licensed pharmacist in the State of Florida, having been issued license number PS 27736. Respondent's address of record is 2015 NW 19<sup>th</sup> Lane, Gainesville, Florida 32605.

2. Respondent was charged by an Administrative Complaint, filed by the Department and properly served upon Respondent, with violation of Chapter 465, Florida Statutes.

### STIPULATED LAW

1. Respondent admits that he is subject to the provisions of Chapters 456 and 465, Florida Statutes, and the jurisdiction of the Department of Health.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of law as alleged in the Administrative Complaint.

### PROPOSED DISPOSITION

1. Respondent shall be present when this Settlement Agreement is presented to the Board and under oath shall answer all questions asked by the Board concerning this case and the disposition thereof.

2. The Board of Pharmacy shall impose the total administrative costs associated with the investigation and prosecution of this matter in an amount not to exceed **THREE THOUSAND DOLLARS FIVE HUNDRED DOLLARS** (\$3,500). Final total costs shall be assessed when the Settlement Agreement is presented to the Board. The costs shall be paid by Respondent to the **Department of Health, Compliance Management Unit, Board of Pharmacy Compliance Officer, Post Office Box 6320, Tallahassee, Florida 32314-6320**, within one year from the date the Final Order is filed with the Department Clerk.

3. Respondent shall enter and successfully participate in a Professionals Resource Network (PRN) contract (Respondent was under contract with PRN at the time this Agreement was signed by him), the terms of which will be determined by PRN. Respondent shall comply with all recommendations and requirements of PRN for evaluation, treatment, and monitoring as long as he is under contract with PRN.

4. Respondent's license to practice pharmacy in the state of Florida shall be suspended until, upon presentation by Respondent of a petition for reinstatement of license (Petition), the Board: determines that Respondent is in compliance with all PRN requirements and

recommendations, determines that Respondent is able to practice pharmacy with reasonable skill and safety, and approves a practice plan for Respondent.

a. During the period of suspension, Respondent shall not in any manner engage in the practice of pharmacy, including but not limited to the preparation of medicinal drugs for dispensing or in the actual dispensing of medicinal drugs in the state of Florida.

b. The Petition shall include but is not limited to:

(1) A statement by PRN that Respondent is in compliance with all PRN requirements and recommendations and that it has a basis to believe that Respondent is able to practice pharmacy with reasonable skill and safety; and

(2) A written practice plan identifying the location where Respondent will practice, the type of practice, the supervision structure, and the hours of practice.

c. A Petition that satisfies the conditions established in subparagraph b. of this paragraph may be presented to the Board at any meeting including that where this Settlement Agreement is presented.

d. Respondent shall be present when this Petition is presented to the Board and under oath shall answer all questions from the Board regarding reinstatement of Respondent's license to practice pharmacy.

e. The Board expressly retains the right to impose restrictions, conditions, or obligations, including probation, in addition to those expressly included in this paragraph as appropriate at any time during the period of suspension and at the time, if at all, the Board reinstates Respondent's license.

5. Upon reinstatement of his license to practice as a pharmacist, Respondent's license shall be on probation for five (5) years and until, upon presentation by Respondent of a petition for termination of probation, the Board terminates probation upon a determination that Respondent is in compliance with each and all terms and conditions of and has completed each and all requirements of probation. During the period of probation, Respondent shall be subject to the following terms, conditions, and requirements:

a. Respondent shall comply with all recommendations and requirements of PRN.

b. Respondent shall not engage in the practice of pharmacy at more than two pharmacies permitted in the state of Florida in any one quarter without prior authorization from the Board.

c. During the term of probation, Respondent shall not serve as a prescription department manager in any pharmacy permitted in the state of Florida.

d. Respondent shall submit written quarterly reports to the **Department of Health, Medical Quality Assurance Compliance Management Unit, Compliance Officer Board of Pharmacy, 4052 Bald Cypress Way, Bin C 01, Tallahassee, Florida 32399-3251**. Each quarterly report shall include Respondent's license number and current address and telephone number; name, address, and telephone number of each pharmacy where Respondent had been engaged in the practice of pharmacy and the dates of that practice at each pharmacy during the quarter; and the name of each prescription department manager, pharmacist, pharmacy intern, pharmacy technician, and relief or temporary pharmacist who had worked with Respondent during the quarter. These reports shall be submitted to the Compliance Officer every three months in this manner as may be amended in writing by the Compliance Officer.

e. Respondent shall be responsible for ensuring that each prescription department manager of a pharmacy where he was engaged in the practice of pharmacy during any one quarter submits written quarterly reports to the **Department of Health, Medical Quality Assurance Compliance Management Unit, Compliance Officer Board of Pharmacy, 4052 Bald Cypress Way, Bin C 01, Tallahassee, Florida 32399-3251**. Each report shall include the name, address, and telephone number of the prescription department manager who submits the report; the name, address, telephone number, and license number of each prescription department manager, pharmacist, pharmacy intern, pharmacy technician, and relief pharmacist who had worked in the pharmacy prescription department during the quarter; a brief description of the duties and responsibilities of Respondent; and a statement of Respondent's usual working schedule during the quarter. These reports shall be submitted to the Compliance Officer every three months in this manner as may be amended in writing by the Compliance Officer.

f. If Respondent is engaged in the practice of pharmacy through employment with a placement agency, Respondent shall provide to the

**Department of Health, Medical Quality Assurance Compliance**

**Management Unit, Compliance Officer Board of Pharmacy, 4052 Bald Cypress Way, Bin C 01, Tallahassee, Florida 32399-3251** the name, address, and telephone number of each agency where employed within 10 days of initiation of employment with the agency.

(1) A placement agency, for purposes of this Settlement Agreement only, shall mean a third party entity that coordinates the employment of a licensed pharmacist with a permitted pharmacy; the licensed pharmacist may be referred to as a relief pharmacist, agency pharmacist, temporary pharmacist, or similar description.

(2) Respondent shall not engage in the practice of pharmacy at more than two pharmacies permitted in the state of Florida in any one quarter without prior authorization from the Board.

g. Respondent shall provide a copy of the Final Order, with this Settlement Agreement attached, to each placement agency within 10 days of initiation of employment with the agency and to each prescription department manager at each pharmacy at which Respondent is engaged in the practice of pharmacy within 10 days of initiation of practice at the pharmacy. Respondent shall provide documentation of compliance with this subparagraph to the **Department of Health, Medical Quality**

**Assurance Compliance Management Unit, Compliance Officer  
Board of Pharmacy, 4052 Bald Cypress Way, Bin C 01,  
Tallahassee, Florida 32399-3251** within 10 days of the date the Final  
Order, with Settlement Agreement attached, is provided as set forth in this  
subparagraph.

h. If Respondent leaves the state of Florida during the period of  
probation, if PRN withdraws Respondent from the practice of pharmacy, or  
if Respondent otherwise ceases the practice of pharmacy within the state  
of Florida for a period of 30 days or more, the probationary period shall be  
tolled until Respondent returns to the active practice of pharmacy within  
the state of Florida.

(1) The active practice of pharmacy, for purposes of this  
Settlement Agreement only, shall mean practicing pharmacy in a permitted  
pharmacy for not less than 35 hours each week.

(2) During the tolled period, Respondent shall comply with all  
terms and conditions of this paragraph including but not limited to  
submission of written quarterly reports.

i. The Board expressly retains the right to impose restrictions,  
conditions, or obligations in addition to those expressly included in this

paragraph at any time during the period of probation, including but not limited to, at the time Respondent's probation is initially imposed and at the time, if at all, the Board terminates Respondent's probation.

6. In the future, Respondent shall not violate Chapters 456, 465, 499, or 893, Florida Statutes; the rules promulgated pursuant thereto; or any other state or federal law, rule, or regulation relating to the practice of or to the ability to practice pharmacy.

7. It is expressly understood that a violation of the terms of this Settlement Agreement shall be considered a violation of a Final Order of the Board of Pharmacy for which disciplinary action may be initiated pursuant to Chapter 465, Florida Statutes.

8. It is expressly understood that this Settlement Agreement is subject to approval by the Board and has no force or effect until a Final Order accepting this Agreement is issued by the Board and is filed with the Clerk for the Department of Health.

9. This Settlement Agreement is executed by Respondent for the purpose of avoiding further administrative action with respect to this particular cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to,

or in conjunction with, consideration of the Settlement Agreement. Petitioner and Respondent agree to support this Settlement Agreement at the time it is presented to the Board and shall offer no evidence, testimony, or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Settlement Agreement not be accepted by the Board, it is agreed that the presentation and consideration of this Settlement Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

10. Respondent and the Department fully understand that this Settlement Agreement and subsequent Final Order incorporating it will not preclude further proceedings by the Board or Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint.

11. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

12. Respondent waives all rights to appeal and further review of this Settlement Agreement and these proceedings.

WHEREFORE, the parties request that the Board enter a Final Order accepting and incorporating this Settlement Agreement in resolution of this matter.

SIGNED this 12 day of November, 2008.

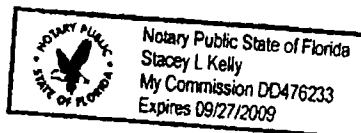
Ken Pettengill  
KENNETH J. PETTENGILL, R.PH.  
CASE NO. 2007-33812

STATE OF FLORIDA  
COUNTY OF Alachua

Before me personally appeared Kenneth J. Pettengill, whose identity is known to me or by Florida DL (type of identification), and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 12<sup>th</sup> day of November, 2008.

Stacey L. Kelly  
Notary Public  
My Commission Expires:



APPROVED this 17<sup>th</sup> day of November, 2008.

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General



Billie Jo Owens  
Assistant General Counsel

Counsel for Petitioner

Billie Jo Owens  
Assistant General Counsel  
Florida Bar No. 0211958  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399  
850.245.4640  
850.245.4682 fax

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Reeulb*  
DATE 10-30-06

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2007-33812**

**KENNETH J. PETTENGILL, R.Ph.,**

**RESPONDENT.**

---

**FIRST AMENDED ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health (Department), by and through its undersigned counsel, files this First Amended Administrative Complaint before the Board of Pharmacy against Respondent Kenneth J. Pettengill, R.Ph., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of pharmacy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 465, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed pharmacist within the state of Florida, having been issued license number PS 27736.

3. Respondent's address of record is 2015 NW 19<sup>th</sup> Lane, Gainesville, Florida 32605. The Department has information to believe that Respondent is currently residing at 4201 SouthWest 21<sup>st</sup> Place, Gainesville, Florida 32607.

4. On or about July 7, 2002, Respondent was charged in Alachua County, Florida with driving under the influence (substance not identified).

5. In or about March 2007, Respondent was charged in Alachua County, Florida with possession of cocaine.

6. The Florida Professionals Resource Network (PRN) is the impaired practitioners program for the Board of Pharmacy, pursuant to Section 456.076, Florida Statutes. PRN monitors the evaluation and treatment of impaired healthcare professionals. PRN oversees random drug screens and provides for the exchange of information between treatment providers and the Department for the protection of the public. Raymond M. Pomm, M.D., a Board-certified psychiatrist

and addictionologist, is the Medical Director of PRN and is charged with responsibility for the oversight of the program and documentation of compliance and noncompliance with PRN monitoring contracts.

7. On or about August 28, 2007, Respondent contacted PRN about his past issues with cocaine and his recent use. He reported that he had used cocaine in 1983 and had been using cocaine for several months in 2007 until he stopped in June; and he stated that he has not been able to stop drinking. Respondent has been undergoing psychiatric care for the past 20 years.

8. On or about September 11, 2007, Respondent was evaluated by a PRN and Department approved medical physician who diagnosed Respondent as follows:

Axis I Clinical Disorders including major mental disorders and developmental and learning disorders:

Cocaine Dependence, Alcohol Dependence, and Chronic Recurrent Major Depressive Disorder;

Axis II Underlying pervasive or personality conditions:  
Deferred/Cluster A [paranoid, schizoid, and schizotypal disorders] & C [avoidant personality, obsessive-compulsive personality, and dependent personality disorders] Features;

Axis III Acute medical conditions and physical disorders:  
Gastroesophageal Reflux Disease, Hypertension,

and Hypercholesterolemia;

Axis IV Psychological and environmental factors contributing to the disorder:

Financial and Professional Stressors; and

Axis V Global Assessment of Functioning:

50-55.

The Global Assessment of Functioning is a numeric scale (0 through 100) used by mental health clinicians and doctors to rate the social, occupational, and psychological functioning of adults; and a 50-55 means that Respondent has moderate symptoms of or moderate difficulty in functioning in social, occupational, or school situations.

9. The evaluator recommended that Respondent:
  - a. not practice pharmacy at this time because he cannot practice with reasonable skill and safety;
  - b. enter a program for chemical dependency at an institution with expertise in treating healthcare professionals, initially as an inpatient moving as appropriate to a partial hospitalization program or a residential level of care, and his treatment should include continued assessment of his psychiatric comorbidity listed in his Axis I and Axis II diagnoses; and

c. upon completion of treatment, be monitored by PRN.

10. By letter dated September 13, 2007, from Dr. Pomm on behalf of PRN to Respondent, Respondent was informed that he required inpatient stabilization and extended residential treatment at his choice of three Department approved treatment facilities; that the form Voluntary Withdrawal From Practice provided to him on August 29, 2007, must be signed no later than September 20, 2007 and returned to PRN; and that he immediately discontinue the practice of pharmacy.

11. On or about September 21, 2007, the results of a forensic urine drug screen were reported to the evaluator as positive for alcohol.

12. On or about September 27, 2007, Respondent requested a second evaluation, and he was provided the name of a second PRN and Department approved medical physician for the evaluation.

13. PRN informed Respondent that the second evaluation must be completed by October 17, 2007. To date, PRN has not received confirmation that Respondent attended a second evaluation or the results from it.

14. On December 8, 2007, Respondent was admitted into a detox program by the Alachua County Drug Court Program based on a positive test for alcohol.

15. Section 465.016(1)(m), Florida Statutes (2007), provides that being unable to practice pharmacy with reasonable skill and safety by reason of illness; use of alcohol, drugs, narcotics, chemicals, or any other type of material; or as a result of any mental or physical condition is grounds for disciplinary action by the Board of Pharmacy.

16. The history of drug and alcohol abuse; the psychiatric diagnosis; the assessment as unable to practice with reasonable skill and safety; the admission into a detox program; and the failure to follow the recommendations and requirements of PRN demonstrate that Respondent is unable to practice pharmacy with reasonable skill and safety.

17. Based on the foregoing, Respondent has violated Section 465.016(1)(m), Florida Statutes (2007), by being unable to practice pharmacy with reasonable skill and safety by reason of use of drugs, narcotics, chemicals, or another type of material.

Petitioner respectfully requests that the Board of Pharmacy enter an order imposing one or more of the following penalties on Respondent: permanent revocation or suspension of license, restriction of practice, administrative fine, reprimand, probation, corrective action, refund of fees billed or collected, remedial education, or any other relief that the Board deems appropriate.

SIGNED this 29<sup>th</sup> day of October, 2008.

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General



Billie Jo Owens  
Assistant General Counsel

PCP: 02.26.08

PCP Members: Salem & Powers

### NOTICE OF RIGHTS

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on Respondent in addition to any other discipline imposed.

*Kenneth J. Pettengill, R.Ph., Case No. 2007-33812*

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this First Amended Administrative Complaint was furnished to Kenneth J. Pettengill, R.Ph., 2015 NorthWest 19<sup>th</sup> Lane, Gainesville, Florida 32605 and 4201 SouthWest 21<sup>st</sup> Place, Gainesville, Florida 32607 on this 29<sup>th</sup> day of October, 2008.



Billie Jo Owens  
Assistant General Counsel

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